

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

SHANE T. MOYER,)
Plaintiff,)
vs.)
COMMISSIONER OF SOCIAL)
SECURITY,)
Defendant.)
Case No. 3:19-cv-970-GCS

ORDER FOR ATTORNEY'S FEES

SISON, Magistrate Judge:

This matter is before the Court on Defendant's agreed motion to award attorney fees. (Doc. 26). Plaintiff consents to the amount and method of payment. (Doc. 26).

The parties agreed Plaintiff is entitled to a fee of \$5,925.10. Plaintiff shall seek costs separately.

The Court finds that Plaintiff is the prevailing party and is entitled to an award of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(B). The Court further finds that the agreed upon amount is reasonable and appropriate. This award shall fully and completely satisfy any and all claims for fees and expenses that may have been payable to Plaintiff in this matter pursuant to the EAJA.

Defendant's agreed motion to award attorney fees (Doc. 26) is **GRANTED**. The Court awards Plaintiff attorney's fees in the amount of \$5,925.10.

The amount awarded is payable to Plaintiff and is subject to set-off for any debt owed by Plaintiff to the United States. *See Astrue v. Ratliff*, 560 U.S. 586, 593 (2010). *See also*

Harrington v. Berryhill, 906 F.3d 561, 566 (7th Cir. 2018)(holding “that a reduction of a litigant’s prior debts to the government by administrative offset constitutes payment to the prevailing party under [the] EAJA.”). However, any part of the award that is not subject to set-off to pay Plaintiff’s pre-existing debt to the United States shall be made payable to Plaintiff’s attorney pursuant to the EAJA assignment executed by Plaintiff and attached to the fee petition.

IT IS SO ORDERED.

Dated: August 10, 2020.


Digitally signed
by Judge Sison
Date:
2020.08.10
09:37:00 -05'00'

GILBERT C. SISON
United States Magistrate Judge